

04-1332 WILL, ET AL. V. HALLOCK, ET AL.

DECISION BELOW: 387 F.3d 147 (2nd Cir. 2004)

QUESTION PRESENTED

Whether a final judgment in an action brought under Section 1346(b) dismissing the claim on the ground that relief is precluded by one of the FTCA's exceptions to liability, 28 U.S.C. 2680, bars a subsequent action by the claimant against the federal employees whose acts gave rise to the FTCA claim.

Cert. Granted 6/6/05

In addition to the Question presented by the petition, the parties are directed to brief and argue the following Question: "Did the Court of Appeals have jurisdiction over the interlocutory appeal of the District Court's order denying a motion to dismiss under the FTCA's judgment bar, 28 U.S.C. §2676?"